



# STATE OF WISCONSIN

# Senate Journal

## Ninety–Fourth Regular Session

2:35 P.M.

TUESDAY, June 8, 1999

The Senate met.

The Senate was called to order by Senator Brian Burke.

The Chair, with unanimous consent, asked that the proper entries be made in the journal.

### INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

#### Senate Bill 187

Relating to: eliminating the time period in which state employes must use accumulated sick leave credits to purchase state group health insurance.

By Senators Risser, Burke, Schultz, Rude and Erpenbach; cosponsored by Representatives Freese, Miller, Travis, Boyle, Musser, Turner, Black, Plouff, Powers, Berceau, Young and Seratti.

To committee on **Economic Development, Housing and Government Operations**.

#### Senate Bill 188

Relating to: prohibiting a parent or other person who is convicted for the solicitation to commit the first–degree intentional homicide of a parent of a child from having visitation or physical placement with the child.

By Senators Clausing, Darling, Huelsman, Lazich, Roessler and Zien; cosponsored by Representatives Plouff, Kreibich, Gunderson, Lassa, Musser and Turner, by request of Melanie Wiegand.

To committee on **Judiciary and Consumer Affairs**.

#### Senate Bill 189

Relating to: limiting increases of academic fees at the University of Wisconsin System.

By Senators George, Decker, Baumgart and Moen; cosponsored by Representatives Plouff, La Fave, Musser, Hasenohrl, Bock, Pocan, Kreuser, Morris–Tatum, Meyer, Richards and Boyle.

To committee on **Education**.

### REPORT OF COMMITTEES

The committee on **Agriculture, Environmental Resources and Campaign Finance Reform** reports and recommends:

#### Senate Bill 190

Relating to: campaign financing, imposition of a lobbying expenditure tax, providing exemptions from emergency rule

procedures, granting rule–making authority, making appropriations and providing penalties.

Introduction.

Ayes, 3 – Senators Clausing, Baumgart and Wirsch.

Noes, 2 – Senators Clausing and Baumgart.

Read first time and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform**.

Alice Clausing

Chairperson

The committee on **Labor** reports and recommends:

LAVIGNA, ROBERT J., of Madison, as the Administrator of the Division of Merit Recruitment and Selection, to serve for the term ending March 26, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

MCCALLUM, LAURIE R., of Madison, as a member of the Personnel Commission, to serve for the term ending March 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

#### Senate Bill 75

Relating to: establishing a service award program for volunteer fire fighters and emergency medical technicians, creating a volunteer fire fighter and emergency medical technician service award board, requiring the exercise of rule–making authority and making appropriations.

Passage.

Ayes, 5 – Senators Baumgart, Decker, Breske, Zien and Farrow.

Noes, 0 – None.

Jim Baumgart

Chairperson

### PETITIONS AND COMMUNICATIONS

State of Wisconsin  
Ethics Board

June 8, 1999

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people

authorized to lobby the 1999 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us>

Bowen, Sarah	<b>Wisconsin Psychological Association</b>
Bowen, Sarah	<b>Society of Clinical &amp; Consulting Psychologists, Inc</b>
Bowlby, Judy	<b>Pharmacia &amp; Upjohn Company</b>
Boyce, Catherine	<b>Daily Race Game/Joint Venture</b>
Brosnan, Sharon	<b>Aid Association for Lutherans</b>
Carey, Ray	<b>Wisconsin Paperboard Corporation</b>
Casey, Brian	<b>Aid Association for Lutherans</b>
Chernelich, Joseph M	<b>IBM Corporation</b>
Denison, Bradley W	<b>Wisconsin Rental Dealers Association</b>
Dickert, John T	<b>Wisconsin Paperboard Corporation</b>
Dilweg, Rory	<b>Oneida Tribe of Indians of Wisconsin</b>
Essie, Patrick	<b>Wisconsin Education Association Council</b>
Hauke, Thomas	<b>Wisconsin Fair Dealership Association</b>
Hottenroth, Theresa M	<b>Columbia-St. Mary's, Inc.</b>
Kammer, Peter	<b>Daily Race Game/Joint Venture</b>
Kammer, Peter	<b>Wisconsin Broadcasters Association</b>
Leitch, Laura J	<b>Columbia-St. Mary's, Inc.</b>
Matthews, John	<b>Wisconsin Paperboard Corporation</b>
McClenahan, William	<b>Wisconsin Paperboard Corporation</b>
McCoshen, William J	<b>Marshall &amp; Ilsley Corporation</b>
McDowell, Kelly	<b>Wisconsin Fabricare Institute</b>
McIntosh, Forbes	<b>Daily Race Game/Joint Venture</b>
Notestein, Barbara	<b>WI Family Planning &amp; Reproductive Health Assoc.</b>
Oakley, Kara	<b>Daily Race Game/Joint Venture</b>
Osborne, Patrick	<b>Wine Institute</b>
Paul, Jon	<b>Pro-Life Wisconsin</b>
Petersen, Eric J	<b>Marshall &amp; Ilsley Corporation</b>
Peterson, Craig	<b>Wisconsin Rental Dealers Association</b>
Skornicka, Carol	<b>Midwest Express Airlines Inc</b>
Springer, Thomas J	<b>Wisconsin Academy of Family Physicians</b>
Springer, Thomas J	<b>Froedtert Memorial Lutheran Hospital</b>
Westrick, Paul	<b>Columbia-St. Mary's, Inc.</b>

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by the organizations that employ lobbyists.

Sincerely,  
ROTH JUDD  
Director

**State of Wisconsin  
Department of Justice**

May 28, 1999

The Honorable, The Senate:

You have asked a series of questions regarding the construction and operation of private incarceration facilities in Wisconsin. For ease of analysis, I have organized your inquiry into four areas: 1) Can a private company build an incarceration facility in Wisconsin? 2) Can a privately built incarceration facility be

sold or leased to the state? 3) Can out-of-state prisoners be housed in Wisconsin? and, 4) Can an incarceration facility in Wisconsin be operated by a private company? The attached is in response to your request for an opinion.

Sincerely,  
JAMES E. DOYLE  
Attorney General

## EXECUTIVE COMMUNICATIONS

**State of Wisconsin  
Office of the Governor**

June 2, 1999

The Honorable, The Senate:

As required by Article V, Section 6 of the Wisconsin Constitution, I am submitting the annual Executive Clemency report to the Legislature, covering those clemency cases upon which final dispositions were rendered for applicants during the calendar year 1998. The following applicants received full pardons in 1998:

**Jeffrey J. Marquardt**, convicted of Battery and sentenced on 4/5/93 to 2 years probation and court costs and convicted of Disorderly Conduct and sentenced on 9/27/93 to 18 months probation and court costs, recommended by the Pardon Advisory Board by a vote of 3-3 to be granted a pardon, was granted a pardon on 12/28/98, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Zebdee Wilson, Jr.**, convicted of Violation of Domestic Abuse Injunction and sentenced on 6/6/94 to 2 years probation and court costs, recommended by the Pardon Advisory Board by a vote of 3-2 to be granted a pardon, was granted a pardon on 12/28/98, because he is a productive member of society and otherwise deserving of extraordinary relief.

**John J. Lange**, convicted of Theft by Fraud (Three Misdemeanor Counts) and sentenced on 5/29/84 to a \$1,765.00 fine plus court costs, recommended by the Pardon Advisory Board by a vote of 4-0 to be granted a pardon, was granted a pardon on 12/28/98, because he is a productive member of society and otherwise deserving of extraordinary relief.

**Susan J. Blank**, convicted of Possession with Intent to Deliver a Controlled Substance (Marijuana) and sentenced on 2/12/76 to 4 years probation and court costs, recommended by the Pardon Advisory Board by a vote of 4-1 to be granted a pardon, was granted a pardon on 12/28/98, because she is a productive member of society and otherwise deserving of extraordinary relief.

**Donna Marie Hinkle**, convicted of Possession with Intent to Deliver Marijuana and Keeping Fireworks and sentenced on 1/5/80 to 2 years probation and 1 year probation plus court costs, to run concurrently, with 75 days in jail as a condition of probation, recommended by the Pardon Advisory Board by a vote of 6-0 to be granted a pardon, was granted a pardon on 12/28/98, because she is a productive member of society and otherwise deserving of extraordinary relief.

**Reggie C. Porter**, convicted of Sexual Intercourse with a Child and sentenced on 6/16/58 to 2 years probation and court costs, recommended by the Pardon Advisory Board by a vote of 5-0 to be granted a pardon, was granted a pardon on 12/29/98, because he is a productive member of society and otherwise deserving of extraordinary relief.

Sincerely,  
TOMMY G. THOMPSON  
Governor

**State of Wisconsin  
Office of the Governor**

May 25, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint ROSEMEYER, DR. JAMES A., of Platteville, as a member of the Chiropractic Examining Board, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 25, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BETTIGA, MICHAEL J., of Green Bay, as a member of the Pharmacy Examining Board, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 25, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PELISEK, FRANK J., of Milwaukee, as a member of the University of Wisconsin Hospital and Clinics Authority, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 25, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint PELISEK, FRANK J., of Milwaukee, as a member of the University of Wisconsin Hospital and Clinics Board, to serve for the term ending July 1, 2002.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin  
Office of the Governor**

May 25, 1999

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARTLETT, DR. WILLIAM L., of Berlin, as a member of the Veterinary Examining Board, to serve for the term ending July 1, 2003.

Sincerely,

TOMMY G. THOMPSON  
Governor

Read and referred to committee on **Agriculture, Environmental Resources and Campaign Finance Reform.**

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**REFERRALS AND RECEIPT OF  
COMMITTEE REPORTS CONCERNING  
PROPOSED ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 99-003**

Relating to gas safety.

Submitted by Public Service Commission.

Report received from Agency, June 3, 1999.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, June 8, 1999.

**Senate Clearinghouse Rule 99-011**

Relating to sales and use tax exemption certificates and the sales and use tax treatment of temporary events.

Submitted by Department of Revenue.

Report received from Agency, June 4, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, June 8, 1999.

**Senate Clearinghouse Rule 99-026**

Relating to the sales and use tax treatment of gross receipts and sales price, manufacturing exemption and motor vehicles.

Submitted by Department of Revenue.

Report received from Agency, June 4, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, June 8, 1999.

**Senate Clearinghouse Rule 99-062**

Relating to auction sales of personal farm property or household goods, and exempt purchases for resale by nonprofit organizations.

Submitted by Department of Revenue.

Report received from Agency, June 4, 1999.

Referred to committee on **Economic Development, Housing and Government Operations**, June 8, 1999.

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The committee on **Economic Development, Housing and Government Operations** reports and recommends:

**Senate Clearinghouse Rule 97-029**

Relating to Wisconsin sales and use taxes.

No action taken.

**Senate Clearinghouse Rule 98-110**

Relating to small cities community development block grants for housing.

No action taken.

**Senate Clearinghouse Rule 98-124**

Relating to charitable organizations.

No action taken.

**Senate Clearinghouse Rule 98-128**

Relating to medicines and to gifts and other advertising specialties.

No action taken.

**Senate Clearinghouse Rule 98-144**

Relating to printed material exemptions and the sales and use tax treatment of advertising agencies.

No action taken.

**Senate Clearinghouse Rule 98-171**

Relating to construction contractors.

No action taken.

**Senate Clearinghouse Rule 98-175**

Relating to the registration and regulation of home inspectors.

No action taken.

**Senate Clearinghouse Rule 98-184**

Relating to the use of an alternative apportionment method.

No action taken.

**Senate Clearinghouse Rule 98-207**

Relating to the design and construction of public swimming pools.

No action taken.

**Senate Clearinghouse Rule 99-027**

Relating to dividing WRS accounts and annuities per qualified domestic relations orders (QDROs).

No action taken.

Robert Wirch  
Chairperson

The committee on **Labor** reports and recommends:

**Senate Clearinghouse Rule 99-036**

Relating to education, pre-license and continuing education programs and courses.

No action taken.

**Senate Clearinghouse Rule 99-052**

Relating to the annual allocation of volume on tax exempt private activity bonds.

No action taken.

Jim Baumgart  
Chairperson

Senator Burke, with unanimous consent, asked that the Senate adjourn until Thursday, at 10:00 A.M..

Adjourned.

2:36 P.M.

**AMENDMENTS OFFERED**

Senate substitute amendment 1 to **Senate Bill 113** offered by Senator Ellis.

**LEGISLATIVE REFERENCE BUREAU  
CORRECTIONS**

**CORRECTIONS IN:**

**1999 SENATE BILL 113**

Prepared by the Legislative Reference Bureau  
(June 3, 1999)

1. Page 31, line 19: on lines 19 and 25, delete "sub." and substitute "subs."
2. Page 49, line 21: delete "94" and substitute "92".